

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
<hr/>)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO:)	Subcategory No. 06-11337-PBS
)	
<i>United States of America ex rel. Ven-a-Care of</i>)	
<i>the Florida Keys, Inc. v. Dey, Inc., et al., Civil</i>)	Hon. Patti B. Saris
Action No. 05-11084-PBS)	

JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL

The Plaintiffs United States and Relator Ven-a-Care of the Florida Keys, Inc., and Defendants Dey, Inc., Dey Pharma, L.P. (formerly known as Dey, L.P.) and Dey L.P., Inc., hereby move the Court to extend the 90-day Order of Dismissal of August 10, 2010 (Master Doc. #7222), to allow the parties an additional 30 days to conclude their settlement discussions before the Order of Dismissal becomes final.¹

At a hearing on August 10, 2010, the parties reported to the Court that they had reached agreement in principle on a settlement, but that it would take some time to draft and negotiate the details of the settlement. Thereupon the Court entered an Order of Dismissal which stated, "It is hereby ORDERED that this action is hereby dismissed as to Dey, Inc. without costs and without prejudice to the right of any party, upon good cause

¹ In the event the Court declines to extend the 90-day deadline, the Plaintiffs United States and Relator Ven-a-Care of the Florida Keys, Inc. request that the Court reopen the action.

shown, to reopen the action within 90 days.” Master Doc. #7222. The 90-day period expires Monday, November 8, 2010.

In the time since August 10, counsel for the plaintiffs and the defendants have negotiated diligently and in good faith on the terms of a settlement agreement. The parties experienced interruptions in their progress due to summer vacations schedules and temporary illnesses of certain counsel. However, the parties are now very close to agreement on final settlement papers. Additional time is needed to resolve the remaining issues and secure the necessary signatures.

For the foregoing reasons, the parties request that the Court modify its 90-day Order of Dismissal of August 10, 2010, to allow the parties an additional 30 days to conclude their settlement negotiations before the Order of Dismissal becomes final.

Respectfully submitted,

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CERTIFICATION

The undersigned counsel certifies pursuant to LR 7.1(A)(2) that counsel have conferred concerning this motion.

/s/ George B. Henderson, II
George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: November 3, 2010

/s/ George B. Henderson, II
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